

THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Criminal Misc. Application No. 933 of 2005 (S/J)

Balbir Singh Negi, S/O Shri Madan Singh Negi,
R/O 137, Society Area, Post Office Clement town,
District Dehradun. ... **Applicant.**

Versus

1. Chief Judicial Magistrate, Dehradun.
2. Smt. Poonam Negi, W/O Shri Balbir Singh Negi,
D/O Shri Raghubir Singh Negi,
At present residing at 49, Hathibarkala Estate,
Dehradun. ... **Respondents.**

Sri Ramji Srivastava, Adv., learned counsel for the applicant.
Sri P.S.Saun, Learned A.G.A. for the respondent no. 1.

Dated December 17, 2005.

PC:
(Hon'ble B.S. Verma, J.)

By means of this petition, the applicant seeks direction of this Court to the Chief Judicial Magistrate, Dehradun-respondent no. 1 to decide the Criminal Case No. 1952 of 21001, State Vs. Balbir Singh Negi and others under Section 498-A I.P.C. and Section 3/4 of Dowry Prohibition Act before his court within time bound period.

2. Relevant facts of the case are that the marriage between the applicant and respondent no.2 was solemnized on 1.6.1996 according to Hindu rites and customs at Dehradun. After the marriage the relations between the parties become strained due to alleged ill-treatment and mis-behaviour of respondent no.2 towards her husband and family members. Ultimately, an F.I.R. was lodged by the respondent no.2 against the applicant and his family members on 14.4.1997 with allegations of cruelty and demand of dowry on which case was registered at Crime No. 95 of 1997 at the Police Station Dalanwala, Dehradun. After investigation of the case, the police submitted a charge sheet under the aforesaid offences in the

Court of the Magistrate, which was registered in the court of I Additional C.J.M. Dehradun, who took cognizance of the case on 7.2.1998. Subsequently, the said criminal case i.e. Criminal Case No. 188 of 1998, was transferred to the Court of the C.J.M. Dehradun and was registered as Criminal Case No 1952 of 2001, State Vs. Bablir Singh Negi and others. Charges were framed against the accused on 18.8.1998 and 5.10.1998 was fixed in the case by the A.C.J.M. I, Dehradun. It is alleged that a number of dates were fixed in the case but the evidence of the prosecution could not be recorded in the case on one pretext or the other.

3. In the course of arguments, the learned counsel for the applicant submitted that a direction be issued to the Chief Judicial Magistrate Dehradun to expedite the disposal of case in a time bound period. The prayer is innocuous. Taking into consideration the fact that charges were framed against the accused on 18.8.1998 but the evidence of the prosecution witnesses has not been recorded so far, it is expedient in the interest of justice to the C.J.M. concerned to decide the criminal case preferable within a period of six months.

4. It is directed that the C.J.M. Dehradun shall decide the Criminal Case No. 1952 of 2001, State Vs. Balbir Singh Negi and others, under Section 498-A I.P.C. and Section 3/4 of Dowry Prohibition Act pending before him preferably within a period of six months from the date of production of certified copy of this order. With this direction the petition is disposed of finally.

(B.S. Verma, J.)

RCP